

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DIRECTV, LLC,

Plaintiff,

V.

WNK ASSOCIATES, INC. et al.,

Defendants.

Case No. 6:22-cv-423-JDK

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Plaintiff DirecTV LLC's motion to strike Defendants' affirmative defenses. Docket No. 34. The Court referred the motion to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b)(1). Docket No. 53.


On May 4, 2023, Judge Love issued a Report recommending that the Court grant in part and deny in part Plaintiff's motion. Docket No. 54. Specifically, Judge Love recommended that Plaintiff's motion be granted with respect to Defendants' second, fifth, and sixth affirmative defenses and that those defenses be withdrawn, and that Plaintiff's motion be denied with respect to Defendants' first, third, and fourth affirmative defenses. Judge Love further recommended that Defendants be granted leave to amend their answer to reflect the Magistrate Judge's findings and conclusions. No objections to the Report were filed, and the time period for filing objections has passed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, neither party objected in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 54) as the findings of this Court. The Court **GRANTS** Plaintiff’s motion to strike (Docket No. 34) with respect to Defendants’ second, fifth, and sixth affirmative defenses and those defenses are withdrawn, and **DENIES** Plaintiff’s motion to strike with respect to Defendants’ first, third, and fourth affirmative defenses. Defendants may file an amended answer consistent with these findings and conclusions within **14 days** of this order.

So **ORDERED** and **SIGNED** this **23rd** day of **May, 2023**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE